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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/712,574
	Filing Date	November 13, 2003
	First Named Inventor	Ruch et al.
	Art Unit	3732
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	24004350.010031

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Richard V. Wells, Reg. No. 53,757 Baker & McKenzie LLP
Signature	
Date	2/4/05

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Richard V. Wells		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 3732
Ruch, <i>et al.</i>	)	
Serial No.: 10/712,574	)	Examiner: Unassigned
Filed: November 13, 2004	)	
For: <b>Apparatus and Method for</b>	)	
<b>Maintaining Bones in a Healing</b>	)	
<b>Position</b>	)	

Mail Stop Amendment  
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**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant(s) hereby notify the U.S. Patent and Trademark Office of the document(s) which is/are listed on the attached Forms PTO-SB/08A and PTO-SB/08B. A copy of the foreign and non-patent literature documents are attached.

  X   (1) This Information Disclosure Statement does NOT require a fee or 37 C.F.R. § 1.97(e) Statement because it is being filed (check all that apply):

       (a) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); **OR**

       (b) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; **OR**

  X   (c) Before the mailing of a first Office action on the merits; **OR**

\_\_\_\_ (d) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

\_\_\_\_ 2) This Information Disclosure Statement is filed before the mailing date of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and (check only one):

\_\_\_\_ (a) Is accompanied by the fee set forth in § 1.17(p); **OR**

\_\_\_\_ (b) Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; **OR**

\_\_\_\_ (c) No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

\_\_\_\_ (3) This Information Disclosure Statement is filed on or before payment of the issue fee and is accompanied by the fee set forth in § 1.17(p); **AND** (check only one):

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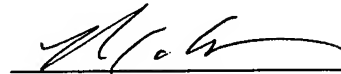
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the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

\_\_\_\_4) This Information Disclosure Statement is filed after payment of the issue fee and Applicant(s) understand that it will be placed in the file but will not be considered by the Office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant(s) does/do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. In the event that fees are due in connection with this Information Disclosure Statement, please charge Deposit Account No. 13-0480 (reference 24004350.010031US).

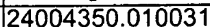
Respectfully submitted,



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Date: 4 FEBRUARY 2005

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/712,574
				Filing Date	November 13, 2003
				First Named Inventor	Ruch et al.
				Art Unit	3732
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	24004350.010031US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PCT International Search Report (PCT/US03/36386)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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